IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10850 of 2007(N)

PETITIONER:

VIJAYAKUMAR P.C.,
S/O.CHANDRASEKHARAN NAIR,
DEPUTY DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, FORT, TRIVANDRUM.

BY ADV. SRI.S.SREEKUMAR
SRI.P.K.SOYUZ
SRI.P.MARTIN JOSE
SRI.GEORGE V.MARKOSE

RESPONDENTS:
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1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
FORT, TRIVANDRUM.

2. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
TRIVANDRUM.

BY S.C. M.K. CHANDRAMOHAN DAS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C).No. 10850 OF 2007 N

Dated this the 28th March, 2007.

JUDGMENT

The petitioner is working as Deputy Devaswom Commissioner in the service of the first respondent. The immediate provocation for the petitioner to approach this Court is the order issued by the Secretary of the respondent-Devaswom directing the Devaswom Commissioner to recover differential amount in the auction conducted for allotting plots of land temporarily by granting licence and to initiate action against the delinquent officers based on the enquiry to be conducted. Ext.P9 shows that there was a reduction of Rs.7,42,150/- in the auction amount for the current year when compared to the previous year.

2. Standing counsel for the respondents submits that action pursuant to Ext.P9 will be taken strictly in conformity with the procedure prescribed therefor and the writ petition challenging Ext.P9 is liable to be dismissed as premature.

3. From a reading of Ext.P9 it is possible to entertain an apprehension that the Devaswom Commissioner has been directed by the respondent-Board to take such action as is necessary to recover the differential amount from some of the officers including the Deputy Devaswom

Commissioner. Since the counsel for the respondents submits that without issuing notice and without following the procedure prescribed by law, no adverse action will be taken against the petitioner or for that matter against any other person concerned, I think the writ petition can be disposed of recording that submission. This will be relief for the petitioner, for the time being. Accordingly the writ petition is disposed of directing the respondents to take action, if any, pursuant to Ext.P9 only after issuing notice to the persons concerned considering explanation or written statement of defence, if any, filed in reply to that and following the procedure prescribed by the rules.

K.K.DENESAN
Judge

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